

FPS-182

DATE: January 25, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 06-4594

Hartmann v. Maybee
(District of Delaware No. 06-cv-0340)

To: Clerk

1) Application to Proceed In Forma Pauperis

The foregoing motion to proceed in forma pauperis is granted. Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$455.00 fee in installments regardless of the outcome of the appeal. The Court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the United States District Court for the District of Delaware. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the United States District Court for the District of Delaware equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal. The appeal will be submitted to a panel of this court for determination under 28 U.S.C. § 1915(e)(2).

Should the appellant file any future applications for leave to proceed in forma pauperis in this Court, the application must be accompanied by a statement of his prison account for the prior six months.

Appellant is advised that gifts are included in the amount subject to deduction. Lucien v. Detella, 141 F.3d 773 (7th Cir. 1998) Cosby v. Meadors, 351 F.3d 1324 (10th Cir. 2003)



Dated: January 26, 2007
tmk/cc: Mr. Detlef F. Hartman
Eileen K. Kelly, Esq.

Marcia M. Waldron
Marcia M. Waldron, Clerk